



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,524	08/29/2001	Assaf Henkin	KABAP002	9046
22434	7590	11/21/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			GODDARD, BRIAN D	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/943,524	<b>Applicant(s)</b> HENKIN ET AL.	
	<b>Examiner</b> Brian Goddard	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 79-150 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 79-150 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/10/2005</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 August 2005 has been entered.
2. Claims 79-150 are pending in this application. Claims 79, 111, 118, 142 and 148 are independent claims. In the Amendment filed with the RCE of 10 August 2005, claims 1-78 were cancelled, and claims 79-150 were added. This action is non-final.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 79-84, 87-94, 97-114, 116-123, 126-133, 135-145 and 147-150 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,141,010 to Hoyle in view of *either* U.S. Patent No. 6,785,740 to Yoneda et al. *or* U.S. Patent No. 6,848,077 to McBrearty et al.

Referring to claim 79, Hoyle discloses a method for generating markup information to be displayed on a client computer system substantially as claimed. See

Figures 1-14 and the corresponding portions of Hoyle's specification for this disclosure. Specifically, Hoyle teaches a method [See Figs. 10-12] for generating markup information [banner advertisements inserted into markup language (e.g. HTML) documents (See Figs. 1-5)] to be displayed on a client computer system [18], the method comprising:

- analyzing [See Fig. 12] selected information associated with a first document [text located within a web page] for selected keyword information [See Fig. 7 & Column 16, lines 1-8]], the first document including a first portion of content for display on the client system [See Figs. 11-12];

- the selected keyword information being provided by an entity other than an end user of the client system [See Figs. 7 & 11-12 and Column 16, lines 1-8];

- selecting, using the selected keyword information, specific text in the first document to be marked up [a banner advertisement is selected (See Fig. 7 & step 224)];

- performing markup operations on at least a portion of said selected specific text [Step 224].

Hoyle does not expressly teach that the selected specific text in the first document to be marked up is "contextually associated with at least a portion of the selected keyword information" as claimed. However, both Yoneda and McBrearty disclose systems and methods similar to that of Hoyle, wherein specific text in a document that is contextually associated with selected keyword information [selected keyword(s) within the document matching predetermined keywords (Yoneda: See S14;

McBrearty: See Step 82)) is marked up with a link to another document [Yoneda: See S15-S18 & Figs. 5-8; McBrearty: See Steps 86-88 & Figs. 3-6].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the dynamic keyword markup functionality of *either* Yoneda or McBrearty to Hoyle's system and method so as to mark up additional keywords in Hoyle's documents with links to Hoyle's corresponding banner ads, to obtain the invention as claimed. One would have been motivated to do so in order to provide the user with access [via the dynamically marked-up hyperlink] to as much additional information (i.e. other banner adds in Hoyle) he/she may be interested in as possible, without detracting from the original document or distracting the user, as disclosed by both Yoneda and McBrearty.

Referring to claim 80, the combination of Hoyle and Yoneda or McBrearty (hereafter "Hoyle/Yoneda-McBrearty") discloses the method for generating markup information as claimed. See Figures 1-12 and the corresponding portions of Hoyle's specification for this disclosure. Hoyle/Yoneda-McBrearty teaches the method of claim 79, as above, wherein said markup operations are performed at the client system [Hoyle: by the ADM Module (14) Client Software Application (10) – (Also See McBrearty Step 75 & Fig. 8)] as claimed. Note that although markup operations are performed at the server in Yoneda, the combination (See claim 79) adds Yoneda's (or McBrearty's) dynamic markup functionality to Hoyle's client system, which performs the markup operations client-side.

Referring to claim 81, Hoyle/Yoneda-McBrearty teaches the method of claim 79, as above, further comprising:

retrieving [Hoyle: Steps 212 & 218] content relating to the first document [web page (also 'information resource')] from a first source [e.g. web server]; and

retrieving [Hoyle: Steps 180-190] at least a portion of the selected keyword information [Hoyle: See Fig. 7] from a second source [Hoyle: ADM Server (22)] as claimed.

Referring to claim 82, Hoyle/Yoneda-McBrearty teaches the method of claim 79, as above, further comprising:

retrieving [Hoyle: Steps 212 & 218], via a computer network [Hoyle: Internet (20)], content relating to the first document [web page (also 'information resource')] from a first network device [e.g. web server]; and

retrieving [Hoyle: Steps 180-190], via the computer network [See above], at least a portion of the selected keyword information [Hoyle: See Fig. 7] from a second network device [Hoyle: ADM Server (22)] as claimed.

Referring to claim 83, Hoyle/Yoneda-McBrearty teaches the method of claim 79, as above, further comprising: displaying the first portion of marked up text at the client system [Hoyle: See Fig. 5, Step 174 & Fig. 12; Yoneda: See Figs. 5-8; McBrearty: See Figs. 3-5 & Steps 86-87] as claimed.

Referring to claim 84, Hoyle/Yoneda-McBrearty teaches the method of claim 79, as above, further comprising:

generating markup information relating to at least a portion of markup operations to be performed on the portion of said selected specific text [See above-cited portions of Yoneda and McBrearty]; and

displaying at the client system, using the markup information, modified content which includes the first portion of marked up text [Hoyle: See Fig. 5, Step 174 & Fig. 12; Yoneda: See Figs. 5-8; McBrearty: See Figs. 3-5 & Steps 86-87] as claimed.

Referring to claim 87, Hoyle/Yoneda-McBrearty discloses the method for generating markup information as claimed. See Figures 13-14 and the corresponding portions of Hoyle's specification for this disclosure. Hoyle/Yoneda-McBrearty teaches the method of claim 79, as above, further comprising accessing [Hoyle: Step 184] said keyword information [See column 7, lines 52-58; column 8, lines 37-41; & column 12, lines 5-9] from a remote server system [ADM server 22] as claimed.

Referring to claim 88, Hoyle/Yoneda-McBrearty teaches the method of claim 79, as above, wherein the first portion of content includes code [html code] to be rendered for display at the client system, the method further comprising:

generating markup information relating to at least a portion of markup operations to be performed on the portion of said selected specific text [See above-cited portions of Yoneda and McBrearty]; and

modifying, using the markup information, a first portion of the code relating to the portion of selected specific text to thereby generate a modified first portion of code [Yoneda: See Figs. 5-8; McBrearty: See Figs. 4-5]; and

rendering the modified first portion of code for display at the client system [Hoyle: See Fig. 5, Step 174 & Fig. 12; Yoneda: See Figs. 5-8; McBrearty: See Figs. 3-5 & Steps 86-87] as claimed.

Referring to claim 89, Hoyle/Yoneda-McBrearty teaches the method of claim 88, as above, wherein the markup information includes a first URL to be associated with the portion of said selected specific text [Hoyle: See Fig. 7; Yoneda: See Figs. 5-8 (particularly Fig. 6); McBrearty: See Figs. 5-6 & 8] as claimed.

Referring to claims 90-91, Hoyle/Yoneda-McBrearty teaches the method of claim 88, as above, wherein the keyword information is provided by [assigned to (Hoyle: See column 8, lines 44-52)] a campaign provider [Hoyle: 'advertising distribution organization' 50 (See column 8, lines 44-52)] or an advertiser [Hoyle: 'advertisers themselves' 50 (See column 8, lines 44-52)] as claimed.

Referring to claims 92-93, Hoyle/Yoneda-McBrearty teaches the method of claim 79, as above, wherein the first document [Hoyle: web page (also 'information resource')] corresponds to a web page or a frame in a web page associated with an information provider's [e.g. server] web site [Hoyle: See also Background & Summary] as claimed.

Referring to claim 94, Hoyle/Yoneda-McBrearty teaches the method of claim 79, as above, further comprising rendering [Hoyle: See Steps 212 & 218] at least a portion of the first portion of content for display to the end user via a browser application ['Default Browser'] as claimed.

Referring to claims 97-98, Hoyle/Yoneda-McBrearty teaches the method of claim 79, as above, wherein the selected keyword information includes restriction information



[Hoyle: See column 15, lines 1-67] specifying at least one restricted source location ['trigger link']...wherein the restricted source corresponds to a particular Internet domain name [base URL] as claimed.

Referring to claims 99-100, Hoyle/Yoneda-McBrearty teaches the method of claim 79, as above, wherein the selected keyword information includes restriction information [Hoyle: See column 15, lines 54-67] specifying a maximum number of markups per page ['maximum number of permitted displays']...and a maximum number of markups per repeat keyword [max 'frequency' of banner display]...as claimed.

Referring to claim 101, Hoyle/Yoneda-McBrearty teaches the method of claim 79, as above, wherein at least one keyword corresponds to a text string [Hoyle: category name or keyword (See Fig. 7)] which includes multiple words [number of keywords] as claimed.

Claims 102-103 are rejected on the same basis as claims 99-100. See the discussions regarding claims 79 and 99-100 above for the details of this disclosure.

Referring to claim 104, Hoyle/Yoneda-McBrearty teaches the method of claim 79, as above, further comprising displaying a pop-up layer [Hoyle: pop-up new browser window (See Steps 192-194 & 208-212; McBrearty: See Fig. 6)] on the client system in response to the user selecting a marked up portion of a first portion of document context [Hoyle: Steps 192 & 208; McBrearty: See Figs. 5-6 & Steps 88-89];

wherein the pop-up layer includes information relating to an initial link [Hoyle: destination link; McBrearty: next most relevant hyperlink] associated with the first portion of document context; and

wherein the pop-up layer includes information relating to a different link [Hoyle: new banner advertisements which are displayed based on the invention] which was not associated with the first portion of document context [original document or web page] as claimed.

Claim 105 is rejected on substantially the same basis as claim 104. See the discussion regarding claim 104 above, and the portions of Hoyle and McBrearty cited therein, for the details of this disclosure.

Referring to claim 106, Hoyle/Yoneda-McBrearty teaches the method of claim 79, as above, further comprising:

logging, on the client system [Hoyle: See column 11, lines 53-57 & Fig. 10], tracking information [Hoyle: 'computer usage information'];

said tracking information including at least one of the following portions of information:

information relating to impressions, marked up keywords, or keywords clicked by the end user during a specified time interval [Hoyle: See Step 182].

Referring to claim 107, Hoyle/Yoneda-McBrearty teaches the method of claim 106, as above, further comprising periodically reporting [Hoyle: Step 182] said logged tracking information [Hoyle: 'computer usage information'] to a remote server system [Hoyle: ADM Server 22] for analysis and processing as claimed.

Claims 108-109 are rejected on substantially the same basis as claim 106. See the discussions regarding claims 106-107 above, as well as the portions of Hoyle's specification cited therein, for the details of this disclosure.

Claim 110 is rejected on the same basis as claim 79. See the discussion regarding claim 79 above for the details of this disclosure.

Claims 111-114 and 117 are rejected on the same basis as claim 104. See the discussions regarding claims 79 and 104 above, and the portions of Hoyle, Yoneda and McBrearty cited therein, for the details of this disclosure.

Claim 116 is rejected on the same basis as claim 93, in light of the basis for claim 111 above. See the discussions regarding claim 93 above for the details of this disclosure.

Claim 118 is rejected on substantially the same basis as claim 79. See the discussion regarding claim 79 above for the details of this disclosure. In particular, Hoyle/Yoneda-McBrearty teaches “a system [Hoyle: See Figs. 1-4] for generating markup information to be displayed on a client computer system [Hoyle: 18], the system comprising:

- at least one processor [Hoyle: See column 7, lines 1-26];
- at least one interface [Hoyle: 32] configured or designed to provide a communication link [Hoyle: 20] to at least one other network device [Hoyle: 22] in a data network; and

- memory [Hoyle: 30, 34 (See column 7, lines 1-26)];

- the system being configured or designed to...[See Claim 79 above]” as claimed.

Claims 119-123, 126-133 and 135-141 are rejected on the same basis as claims 80-84, 87-94, 101 and 104-109 respectively, in light of the basis for claim 118 above.

See the discussions regarding claims 80-84, 87-94, 101 and 104-109 above for the details of this disclosure.

Claims 142-145 and 147 are rejected on the same basis as claims 111-114 and 116 respectively, in light of the basis for claim 118. See the discussions regarding claims 111-114, 116 and 118 above for the details of this disclosure.

Claims 148-150 are rejected on the same basis as claims 79 and 84. See the discussions regarding claims 79 and 84 above, as well as the portions of Hoyle, Yoneda and McBrearty cited therein, for the details of this disclosure.

4. Claims 85-86, 95-96, 124-125 and 134 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyle in view of Yoneda *or* McBrearty as applied to claim 79 above, and further in view of U.S. Patent No. 6,098,065 to Skillen et al.

Referring to claim 85, Hoyle/Yoneda-McBrearty's analysis does not explicitly include a fuzzy search for selected keyword information in the selected text as claimed. However, Hoyle's analysis does include topical/categorical analysis of the selected text to determine if it falls in a specific category. See Figure 7 and the discussion of Step 222 for the details of this disclosure. This provides direct suggestion for using fuzzy search techniques to find inexact matches of keywords in the selected text, in order to categorize the selected text without necessity of an exact match (which is highly unlikely).

Skillen discloses a system and method similar to those of Hoyle, Yoneda and McBrearty, in which fuzzy search techniques are performed [See column 4, lines 14-25

and column 5, lines 29-38] for selected keyword information ['search argument'] in the selected text, the fuzzy search being implemented such that a match will be found to occur despite lack of an exact match [non-precise matching] of the selected keyword information within the context of the first document [e.g. web page] as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add Skillen's fuzzy search logic to Hoyle/Yoneda-McBrearty so as to provide the combination with fuzzy search capability in searching for the keyword(s) or categories for displaying the advertising. One would have been motivated to do so because of the direct suggestion provided by Hoyle, as described above.

Referring to claim 86, the system and method of Hoyle/Yoneda-McBrearty and Skillen as applied to claim 85 above (hereafter "Hoyle/Yoneda-McBrearty/Skillen") discloses the invention as claimed. See column 6, lines 20-44 of Skillen's specification for this disclosure. Skillen's fuzzy search, as applied to Hoyle/Yoneda-McBrearty above, is implemented such that a match will be found to occur if a percentage of the selected keywords ['search argument(s)'] identified in the context of the first document exceeds a predetermined match threshold percentage value [See column 6, lines 20-44] as claimed.

Referring to claims 95 and 96, Hoyle/Yoneda-McBrearty/Skillen discloses the invention as claimed. See the Background & Summary of Skillen's specification for this disclosure. Skillen's fuzzy search logic, as applied to Hoyle/Yoneda-McBrearty above,

uses negative word filtering [using fuzzy search for keywords in conjunction with the 'NOT' operator] to exclude markups of selected document text [See above] as claimed.

Claims 124-125 are rejected on the same basis as claims 85-86 respectively, in light of the basis for claim 118 above. See the discussions regarding claims 79, 85-86 and 118 above for the details of this disclosure.

Claim 134 is rejected on the same basis as claims 95-96, in light of the basis for claim 118 above. See the discussions regarding claims 79, 95-96 and 118 above for the details of this disclosure.

5. Claims 115 and 146 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyle in view of Yoneda or McBrearty as applied to claims 111 and 142 above, and further in view of the book entitled Teach Yourself Web Publishing with HTML 4 in 14 Days by Laura Lemay (hereafter "Lemay").

Referring to claim 115, Hoyle/Yoneda-McBrearty discloses the method of claim 111, as above, wherein the client computer system includes a display [Hoyle: 26], and wherein the display includes a representation of a user controllable cursor [Hoyle: See col. 4, ln. 5 et seq.; McBrearty: See Figs. 1 & 4-6], the method further comprising displaying the pop-up advertisement in response to a user selection (via the cursor) of a portion of the first portion of identified text [Hoyle: See 208-212; McBrearty: See Figs. 5-6 & Steps 88-89]. Neither Hoyle, Yoneda nor McBrearty explicitly teach displaying the pop-up advertisement "in response to the cursor being positioned over" a portion of the first portion of identified text. That is, the references are silent on whether a mouse-click

Art Unit: 2161

is required for "selection" to display the pop-up, or whether a simple mouse-over event could represent "selection."

Lemay discloses web publishing tactics, similar to the functions of Hoyle, Yoneda and McBrearty, and further teaches assigning functions (i.e. pop-up a window) to events such as onMouseOver – "Whenever a reader places the mouse cursor over a specified field." (page 645)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add Lemay's onMouseOver event handler to the combination of Hoyle/Yoneda-McBrearty by making onMouseOver the "selection" event corresponding to the pop-up function in Hoyle/Yoneda-McBrearty, to obtain the invention as claimed. One would have been motivated to do so in order to provide a more rapid selection technique (i.e. does not require a mouse click) thus getting the relevant information to the user faster...a common desire in the art of electronic advertising, as disclosed by Hoyle for example.

Claim 146 is rejected on substantially the same basis as claim 115, in light of the basis for claim 142 above. See the discussions regarding claims 115 and 142 above for the details of this disclosure.

### ***Response to Arguments***

6. Applicants' arguments with respect to claims 79-150 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 571-272-4020. The examiner can normally be reached on M-F, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bdg  
9 November 2005

  
SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100